

67,108-210
Kogiantis 14-4-7-5

signal transmitted in the *Seo* reference. Without any benefit, the combination cannot be made and there is no *prima facie* case of obviousness.

If the Examiner is proposing to substitute the directional signal of *Chizik* for the C/I measurement in *Seo*, that cannot be done because it would eliminate a necessary feature of the *Seo* reference. Any proposed combination that eliminates a necessary feature of the base reference cannot be made.

Even if the combination of *Seo* and *Chizik* could be made, the result is not what the Examiner contends. The directional signal of the *Chizik* reference is not the same as the long term information of Applicant's claims. Just because the words "column vector" appear at col. 8, line 12 of the *Chizik* reference does not somehow transform the directional signal discussed in that section of the *Chizik* reference into the long term information of Applicant's invention. Therefore, there is no *prima facie* case of obviousness because even if the combination could be made, the result is nothing more than *Seo*'s C/I measurement and *Chizik*'s directional signal, neither of which is the same as Applicant's long term information.

Additionally, Applicant disagrees with the Examiner's interpretation of the C/I measurement as long term information. Paragraph 0090 of *Seo* indicates the opposite because it says, "If a period of the TRFC report or C/I measurement report is long, there is a high probability that a channel condition will be changed in the period." Long term information is not likely to change and, therefore, it is not a reasonable interpretation of *Seo* to suggest that the C/I or TRFC reports are long term information. This is another reason why the proposed combination of the *Seo* and *Chizik* references does not establish a *prima facie* case of obviousness.

67,108-210
Kogiantis 14-4-7-5

Applicant also respectfully submits that the proposed combination of the *Seo* and *Walton* references cannot be made. There is no motivation for making the combination. It is not proper to use Applicant's disclosure as a roadmap and hindsight reasoning to find some justification for adding *Walton's* MIMO antenna arrangement to *Seo's* C/I transmission scheme. There is no benefit to doing so because it does not in any way enhance the scheduling of transmitting the C/I report of *Seo*. Therefore, there is no *prima facie* case of obviousness.

Moreover, even if the combination could be made, the result is not what the Examiner contends. Claims 7 and 10-13 include the long term information that the Examiner admits is missing from *Seo*. Therefore, even if *Seo* and *Walton* could be combined, the result does not establish a *prima facie* case against any of claims 7 or 10-13.

Additionally, *Walton* does not have any teaching regarding using long term information to indicate which of a finite set of codes to use to decode short term information as the Examiner suggests on pages 5 and 6 of the Office Action when rejecting claims 9 and 15. Even if the combination of *Seo* and *Walton* could be made, nothing in that combination teaches or suggests using long term information to indicate which of a finite set of codes to use to decode short term information and there is no *prima facie* case of obviousness.

67,108-210
Kogiantis 14-4-7-5

None of Applicant's claims are obvious because there is no *prima facie* case of obviousness against any of the claims. Applicant respectfully submits that this case is in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS

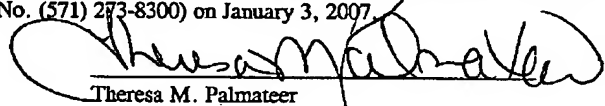
By: 

David J. Gaskey
Registration No. 37,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: January 3, 2007

CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/603,290, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on January 3, 2007.


Theresa M. Palmateer

N:\Clients\LUCENT TECHNOLOGIES\IP00210\PATENT\Response 1-07.doc

BEST AVAILABLE COPY